

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CRIMINAL ACTION NO.: 1:08CR53-SA-JAD

KEITH MORELAND

DEFENDANT

AGREED ORDER

The parties, United States of America and Keith Moreland, have agreed that the trial of this cause should be set for 10 a.m. on January 6, 2009, in Aberdeen, Mississippi.

The parties have agreed that the jury selected by the parties on December 8, 2008, is and should be the jury that tries the case, subject to an individual in camera voir dire of the jurors to ensure that each is still able to fairly and impartially hear the case and resolve any factual issues submitted to the jury.

The parties have agreed that, unless a written waiver of any marital privilege is submitted by the spouse of the defendant, a hearing to determine if the defendant or his spouse has a marital privilege and may assert such privilege will be held before the Court at 9 a.m. on January 6, 2009, in Aberdeen, Mississippi.

The parties have agreed that the continuance of the trial of this cause from December 12, 2008, until January 6, 2009, due to severe weather conditions and weather-related damage to the City of Aberdeen, Mississippi was to serve the ends of justice and that those concerns outweigh the public's interest in a speedy trial; therefore the time is excluded from Speedy Trial Act calculations.

Based on the foregoing agreements, the Court **ORDERS** that the trial of the above-styled cause is set for January 6, 2009, at 10 a.m. in Aberdeen, Mississippi.

The Court further **ORDERS** that the jury members selected to hear this case on December 8, 2008, will be the same jury to hear the case on January 6, 2009, subject to individual in camera voir dire to be conducted by the Court.

The Court further **ORDERS** that the time of the continuance is excluded from Speedy Trial Act calculations because the ends of justice served by the continuance outweigh the public's interest in a speedy trial pursuant to 18 U.S.C. § 3161(h)(8)(A).

The Court further **ORDERS** that the defendant's Motion to Quash the subpoena issued to his spouse will be heard at a hearing scheduled set for January 6, 2009, at 9 a.m. in Aberdeen, Mississippi, unless the defendant's spouse executes a written waiver of her marital privilege prior to December 31, 2008.

SO ORDERED, this the 29th day of December 2008.

s/ Sharion Aycock
U.S. DISTRICT JUDGE